

**AMENDMENT TRANSMITTAL LETTER (Large Entity)**

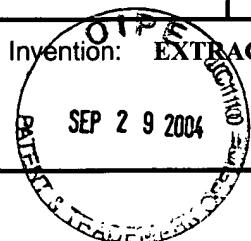
Applicant(s): Brian Whitman, et al.

Docket No.

14855

Application No. 09/939,954	Filing Date August 27, 2001	Examiner James S. Wozniak	Customer No. 23389	Group Art Unit 2655	Confirmation No. 5409
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Invention: EXTRACTING CLASSIFYING DATA IN MUSIC FROM AN AUDIO BISTREAM

COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

**CLAIMS AS AMENDED**

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	48 -	48 =	0	x \$18.00	\$0.00
INDEP. CLAIMS	6 -	6 =	0	x \$86.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

No additional fee is required for amendment.

Please charge Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_.

A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.

The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-1013/SSMP

Any additional filing fees required under 37 C.F.R. 1.16.

Any patent application processing fees under 37 CFR 1.17.

Signature

David J. Torrente  
Registration No. 49,099

Dated: September 27, 2004

I certify that this document and fee is being deposited on September 27, 2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

David J. Torrente

Typed or Printed Name of Person Mailing Correspondence

DJT:nis

cc:



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DPW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicants:** Brian Whitman, et al.

**Examiner:** James S. Wozniak

**Serial No:** 09/939,954

**Art Unit:** 2655

**Filed:** August 27, 2001

**Docket:** 14855

**For:** EXTRACTING CLASSIFYING  
DATA IN MUSIC FROM AN  
AUDIO BITSTREAM

**Dated:** September 27, 2004

**Confirmation No.:** 5409

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO REQUIREMENT FOR RESTRICTION**

Sir:

Pursuant to the Restriction Requirement imposed in the Official Action dated 25 August 2004, applicants provisionally elect the claims of Group I, i.e., Claims 1-18 and 27-43, for continued prosecution herein.

Claims 1-48 are present in the above-captioned application and have been subjected to restriction under 35 U.S.C. §121. Specifically, the Official Action avers that the following inventions are present in the claims:

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 27, 2004.

Dated: September 27, 2004



David J. Torrente

Group I, Claims 1-18 and 27-43, allegedly drawn to a speech-related application for classifying an audio signal based on associated frequency data, classified in class 704, subclass 270; and

Group II, Claims 19-26 and 44-48, allegedly drawn to speech/audio signal processing for representing an audio signal using calculated frequency data, classified in class 704, subclass 205;

It is the Examiner's position that the inventions listed as Groups I and II are distinct from each other.

In response to the Examiner's requirement for restriction, Applicants provisionally elect to prosecute the subject matter of Group I, Claims 1-18 and 27-43. However, Applicants reserve the right, under 35 U.S.C. §121, to file one or more divisional applications directed to the non-elected claims in this application.

In view of the foregoing, an examination on the merits of the elected claims, at an early date, is earnestly solicited.

Respectfully submitted,



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